

**STATE OF HAWAII  
OFFICE OF ELECTIONS**

802 LEHUA AVENUE  
PEARL CITY, HAWAII 96782

**KEVIN B. CRONIN**  
CHIEF ELECTION OFFICER

TESTIMONY OF THE  
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS  
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR  
ON SENATE BILL NO. 2801  
RELATING TO VOTER REGISTRATION

February 6, 2008

Chair Taniguchi and members of the Senate Committee on Judiciary and Labor, thank you for the opportunity to testify in support of Senate Bill No. 2801. The purpose of this bill is to enable election day registration. SB2801 simultaneously removes another barrier for registration and voting and establishes reasonable safeguards against fraud and misrepresentation in the election process.

Under current law, if a person does not register to vote at least thirty (30) days before an election, he or she can not vote in that election.

Under Senate Bill 2801, if it becomes law, if a person does not register to vote timely, he or she can register and vote on election day as long as the person shows proof of residency.

The Office of Elections supports election day registration under Senate Bill 2801.

Presently, nine (9) states have some form of election day registration. They are:

- Wisconsin (1971)
- Maine (1973)
- Minnesota (1974)
- Idaho (1994)
- Wyoming (1994)
- New Hampshire (1996)

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- Montana (2006)
- North Carolina (2007)
- Iowa (2008)

Additionally, Connecticut has election day registration, but only for votes cast for president, and North Dakota has "no voter registration." Connecticut's limited and North Dakota's unlimited election day registration systems would not be a good model for Hawaii in our view.

Previous discussions regarding election day registration have considered the issue of voter fraud. This has to be a concern under any election day registration system.

Hawaii's voting system, however, has built-in checks and balances to mitigate fraud on election day. For example, any registered voter, rightfully in the polling place on election day, may challenge the right of a person to be, or to remain registered as a voter in any precinct, pursuant to section 11-25, Hawaii Revised Statutes (HRS), on the basis that:

- The voter is not the person he/she claims to be; or
- The voter is not a resident; and
- Therefore not entitled to vote in that precinct.

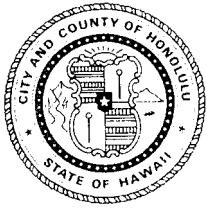
Voters who may be challenged have the right to appeal to the Board of Registration (section 11-26, HRS) and ultimately to the Intermediate Appellate Court (section 11-51, HRS).

The right to challenge a voter's registration promotes and enhances the integrity of the election process by ensuring that only qualified individuals are allowed to register and vote in our state.

Another example would be Senate Bill 2801, if enacted, that will require individuals seeking to register on election day to provide identification proving they reside in the precinct and are eligible to vote.

Finally, it is important to note that Senate Bill 2801, if enacted, will necessarily create administrative and financial issues to resolve.

Thank you for the opportunity to provide testimony in support of Senate Bill No. 2801.



# ELECTIONS

OFFICE OF THE CITY CLERK  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813 / TELEPHONE 768-3800

**DENISE C. De COSTA**  
City Clerk

## TESTIMONY FOR SB 2801 RELATING TO VOTER REGISTRATION.

Committee on Judiciary & Labor  
Rm. 016  
February 6, 2008

Chairman Taniguchi and members of the Committee:

SB 2801 authorizes the establishment of election day voter registration.

The Office of the City Clerk continues to have reservations concerning election day registration, particularly regarding the additional responsibilities it places upon poll workers (to service this new category of registrant/voter) and the impact it could have in closely contested elections.

The present bill allows the new registrant to register and vote at his/her proper precinct. While an implementation process could be established, we have concerns that if volunteer precinct officials do not adhere to the procedure in the strictest manner, votes could be cast in incorrect precincts, thereby placing the integrity of the election results in question.

While removing impediments to voting is a worthy endeavor, any election system should balance increased accessibility while simultaneously maintaining electoral integrity.

The existing voter registration requirement is neither unreasonable nor onerous for any person wishing to participate in the election. Under present law, registrants have up to 700 of 730 days to register to vote during a two-year election cycle.

We continue to believe that the process of registering to vote (by the deadline) should remain a first and necessary component of recognizing and exercising one's personal civic responsibilities.

Thank you for the opportunity to testify.



# HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME LOCAL 152, AFL-CIO

888 MILILANI STREET, SUITE 601 • HONOLULU, HAWAII 96813-2991



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The Twenty-Fourth Legislature, State of Hawaii  
Hawaii State Senate  
Committee on Judiciary and Labor

Testimony by  
Hawaii Government Employees Association  
February 6, 2008

## S.B. 2801 – RELATING TO VOTER REGISTRATION

The Hawaii Government Employees Association supports the purpose and intent of S.B. 2801. Typical voter registration deadlines limit voter participation. States using election-day registration (EDR) have higher voter turnout. Seven states currently have EDR: Maine, Minnesota and Wisconsin adopted EDR in the 1970s. Idaho, New Hampshire and Wyoming enacted Election Day Registration two decades later, and Montana implemented EDR in 2006.

EDR significantly increases the opportunity for all citizens to cast a vote and participate in the electoral process. In the 2004 presidential election, EDR states boasted an average turnout 12% higher than that of non-EDR states. It is estimated that implementing election-day registration will produce on average a seven percent (7%) rise in voter turnout with few problems of fraud or administrative complexity.

The federal Help America Vote Act (HAVA) makes it easier for states to implement election-day registration. Enacted in 2002, the purpose of HAVA is to encourage all states to reform their voting processes. It included a requirement that states begin using computerized voter registration databases by January 1, 2006. HAVA also requires states to offer provisional ballots to voters claiming to be registered but not listed on the voter rolls. EDR is cost-effective and easier for elections officials to administer than provisional ballots. EDR would make provisional ballots unnecessary.

Thank you for the opportunity to testify in support of S.B. 2801.

Respectfully submitted,

Nora A. Nomura  
Deputy Executive Director



**THE LEAGUE  
OF WOMEN VOTERS  
OF HAWAII**

49 SOUTH HOTEL STREET, ROOM 314 HONOLULU, HAWAII 96813 PHONE: (808) 531-7448 EMAIL: voters@lwv-hawaii.com

**Testimony on S.B. 2801 Relating to Voter Registration**

Committee on Judiciary and Labor  
Wednesday, February 6, 2008  
9 a.m. Conference Room 016

Testifier: Jean Aoki, Legislative Team member, League of Women Voters of Hawaii

Chair Taniguchi, Vice Chair Hee, and members,

The League of Women Voters strongly supports S.B. 2801, which would allow those who have failed to register before the deadline to register on Election Day at their polling sites with the presentation of proper documentation of place of residence.

Election year after election year, Hawaii's voter participation has been decreasing and we now find ourselves in the embarrassing position of being the state with the lowest percentage of citizens engaged in this important activity. The League supports every viable modification of our election laws that might encourage voters to go to the polls on Election Day.

Election Day Registration or EDR, also known as Same Day Registration, allows eligible voters to register and cast a ballot on Election Day, and has proven to increase voter participation in a number of states on the mainland. These include Idaho, Maine, Minnesota, Montana, New Hampshire, Wisconsin, and Wyoming. Connecticut also has EDR, but only for casting votes for the Presidency. Iowa and North Carolina have passed similar legislation to allow for same-day voter registration and began to use them in January of 2008 and October of 2007, respectively. EDR states experience some of the highest turnout rates in the country and in fact, have consistently boasted higher voter turnout than non-EDR states for over 25 years. In the 2004 presidential race, EDR states had an average turnout 12% higher than that of non-EDR states. Understanding that they can reduce unnecessary barriers to participation and empower their residents, many states are considering EDR. In fact, active EDR campaigns are underway in Iowa, Maryland, Massachusetts, Michigan, Nebraska, New Jersey, New York, New Mexico, North Carolina, Oregon, Vermont, and of course, Hawaii.

Too many people don't really get engaged in election campaigns until very close to election day, when they hear family, friends, fellow workers, and other associates talking about their choices, be it candidates or ballot issues. They are encouraged to vote only to find it too late to register. We should offer these people an opportunity to do so.

There is always a first time any person votes, or begins to vote again after some non-involvement because of circumstances in their lives. I do not remember the first time I voted; I know it was not when I first became eligible. Once I did, I have not missed a single election. There are many others like me, for whom that first experience leads to a lifetime of participation.

Another reason for adopting EDR is the Help America Vote Act (HAVA) rules call for providing provisional ballots for those who have been mistakenly or even correctly dropped from the data bases. This requires post-election checking to see if some or all are really eligible and the results added to the total counts. EDR would eliminate the need for provisional ballots except for those who are unable to produce the required documents to prove their place of residence.

Post-election, to verify the information on the registration forms, non-forwardable cards could be sent to each EDR voter before permanently enrolling them in the Registered Voters data base.

The most loudly-voiced reason for opposition to EDR is supposedly the fear of fraud. EDR does not result in individual voter fraud. Election officials in EDR states are as vigilant as election officials elsewhere about safeguarding against fraud. In fact, a bipartisan team of consultants to the Election Assistance Commission reported widespread agreement that very little evidence existed of voter impersonation at the polls.

A case of alleged questionable registration forms was investigated by election officials in the City & County of Honolulu and found that the very few who had illegally registered had done so through ignorance of our laws limiting voting to citizens, and not for fraudulent purposes.

A prime example of voter suppression in the 2000 presidential election was Florida. While not the only state involved, it had the spotlight turned on it because of the pivotal role it played as the state which determined the presidential "winner" in a very tight race. Deliberate disenfranchisement was alleged through the purging of registered voter data bases of people more likely to vote for the Democratic candidate. Allegations were made about other ways that voter suppression was carried out. There were cases of fewer and/or older improperly

maintained voter machines in certain precincts; turning away voters already in line when the scheduled poll closing time arrived; sending out misinformation to voters in certain precincts; and countless other incredible schemes.

EDR could at least enfranchise once more those who have been deliberately and even mistakenly purged from the registered voter data base, and this would be a big victory for those who want to restore integrity to our election system.

Election Day Registration significantly increases the opportunity for all citizens to cast a vote and participate in democracy. EDR allows eligible voters who may have been mistakenly purged from the voting rolls to cast a meaningful ballot. It also assists young voters, since many young Americans move frequently - for school or for jobs, for example - which makes it harder for them to register to vote. EDR could counter the reduced registration rates that their mobility causes by allowing them to register at the last moment and vote. In fact, EDR could increase youth turnout in elections by 12% or more.

EDR enfranchises geographically mobile and lower-income citizens. A large number of the 40 million Americans who moved between 2004 and 2005 had incomes of less than \$25,000. Many of these individuals miss the registration deadlines in their new election districts, and thus cannot vote. EDR would allow these people to re-register on Election Day and cast a ballot.

EDR is cost-effective and easier for elections officials to administer than provisional ballots. An authoritative study indicates that elections are no more expensive to administer in EDR states than elsewhere.

We strongly urge you to pass S.B. 2801, but with great reluctance suggest that it be implemented for the 2010 election. This is in consideration that it is only now, in February, 2008 that the newly-hired Chief Elections Officer is in place, and new vote count systems have been selected. It will take time to train the trainers, the precinct workers and the public on the use of these machines. Elections officials have a great deal on their plates, which is why we hesitate to recommend EDR be implemented for the 2008 elections.

Thank you for the opportunity to testify.

Robert Finley  
2222 Aloha Drive #704  
Honolulu, Hawaii 96815

February 4, 2008

The Honorable Brian Taniguchi  
Committee on Judiciary and Labor  
State of Hawaii Senate

Aloha Senator Taniguchi and Members of Committee

Testimony in Support of SB 2801

The right to vote is one of the most important principles of our Nation and State. Bill 2801 will correct a long standing problem of qualified voters arriving at a Polling Station and not being able to vote because they failed to register in time.

My experience as a Poll Chair at both McKinley High School and at the Waikiki Community Center Polling Places for three general, primary and even a Special Election at the University High School Polling Place has given me some insight into the problem of closing the registration before the election day.

I also served as a Deputy Registrar for the County of Honolulu in the last election.

This Bill 2801, if signed into Law, will have some logistic challenges for the polling place personnel and the Office of Elections to overcome but I am certain that technology exists to resolve any of those problems and the State will be well served by this change to existing law.

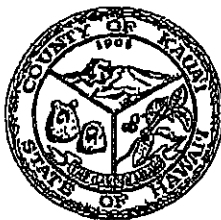
Mahalo for your concern,

  
Robert Finley



**PETER A. NAKAMURA**  
County Clerk

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**ERNESTO G. PASION**  
Deputy County Clerk

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**OFFICE OF THE COUNTY CLERK**  
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LIHU'E, KAUAI, HAWAII 96766-1371

**LATE**

**TESTIMONY OF THE  
COUNTY CLERK, COUNTY OF KAUAI**

**TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR**

**ON SENATE BILL NO. 2801  
RELATING TO VOTER REGISTRATION**

**February 6, 2008**

Chair Taniguchi and Committee Members, thank you for the opportunity to submit testimony on Senate Bill No. 2801. The purpose of this bill is to authorize voter registration on election day.

The Office of the County Clerk appreciates the intent of this bill but has serious reservations concerning the manner in which the bill attempts to implement such a complicated process.

We wish to stress that poll workers are already overburdened and many are unwilling to assume such great responsibility so this bill though well intentioned will only increase the difficulty in recruiting adequate numbers of poll workers to ensure polling sites are fully staffed.

However, more importantly to place this difficult responsibility on poll workers who only fulfill this duty twice every two years endangers the integrity of the election process.

Finally, the lack of appropriations makes the implementation of this bill extremely difficult since minimally additional staffing and training in a number of areas at both the state and county level as well as upgrades to the current voter registration system is necessary to ensure a sound process.

Thank you for the opportunity to submit testimony on Senate Bill No. 2801.

**PETER A. NAKAMURA**  
County Clerk